

June 5, 2012

Senate Insurance Committee
Hearing on Medical Malpractice Laws - SB 1115, 1116, 1117 & 1118

Dear Senators:

My name is Angela Chahine. I am the Legal Guardian for my father, George Balowski. I am here to tell you what happened to him.

My father injured his back working in construction. After living with pain for many years, he decided to have back surgery. He went to a physician affiliated with a large hospital in the metro Detroit area. The physician assured my dad that the surgery would relieve his pain and allow him to return to work.

On January 13, 2009, my dad, who was 50 years old, entered the hospital for performance of the surgery. I was at the hospital along with other family members. After surgery, the doctor told us he had to modify the surgery because of bleeding but that everything went fine. We now know the doctor's judgment that "everything was fine," was wrong.

I have learned that my dad lost approximately 3 ½ liters of blood during his surgery; this is over half his blood volume. I now know that my dad needed to be given fluids, blood and/or blood products and placed in the ICU for close monitoring and care. However, none of that happened. My dad was sent to the general orthopedic floor where no one recognized that he was in shock from the blood loss. Over the next 12 hours, my dad's condition deteriorated and his kidneys shut down. No one intervened. The next morning, my dad suffered a cardiac arrest due to the fact that his kidneys had shut down many hours earlier. He had no heartbeat or respirations for 11 minutes. He was resuscitated but suffered a severe and permanent brain injury.

My dad was in the hospital for many months. After that, he went to a nursing home where he now lives. My dad cannot do anything for himself. He cannot roll over in bed, sit up or walk. He has contractures of his arms and legs and cannot feed himself or perform any self-care. My dad is incontinent and has to wear diapers. My dad cannot see. Although my dad has limited speech, he understands his situation and is very depressed. He wants to come home where he can be with family. He cries whenever I leave.

My dad is on Medicaid, which does not pay for any of the rehabilitation he needs.

If the physician judgment rule is passed, my dad's case would be dismissed. He would have no hope of receiving the care he needs and would spend the rest of his life in a nursing home. Medicaid, funded by the taxpayers of the State of Michigan, would continue to pay for his nursing home care instead of those who caused his injury. That does not seem fair.

I think doctors, like everyone else, should be held responsible for their conduct. I urge you **NOT** to adopt these laws.

Respectfully,

Angela Chahine
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